

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Noah Weston	Team: Team # 7	CCRB Case #: 200810921	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 07/03/2008 5:30 PM	Location of Incident: § 87(2)(b) and the 68th Precinct Stationhouse	Precinct: 68	18 Mo. SOL 1/3/2010	EO SOL 1/3/2010	
Date/Time CV Reported Tue, 07/29/2008 6:39 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Tue, 07/29/2008 6:39 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Desmond Noel	02568	935404	068 PCT
2. POM Qamar Zaman	02965	942738	068 PCT
3. POF Juliet Shields	05712	934179	068 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Maureen Keag	00155	924007	068 PCT
2. POM Mark Slawik	13960	935759	068 PCT
3. POF Elizabeth Breen	19067	941456	068 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Juliet Shields	Discourtesy: At § 87(2)(b) in Brooklyn, PO Juliet Shields spoke obscenely to § 87(2)(b)	§ 87(2)(b)
B.POM Qamar Zaman	Discourtesy: At § 87(2)(b) in Brooklyn, PO Qamar Zaman spoke obscenely to § 87(2)(b)	§ 87(2)(b)
C.POM Qamar Zaman	Force: At § 87(2)(b) in Brooklyn, PO Qamar Zaman used physical force against § 87(2)(b)	§ 87(2)(b)
D.POF Juliet Shields	Discourtesy: At § 87(2)(b) in Brooklyn, PO Juliet Shields spoke obscenely to § 87(2)(b)	§ 87(2)(b)
E.POM Desmond Noel	Off. Language: At the 68th Precinct stationhouse, PO Desmond Noel made remarks to § 87(2)(b) based upon sexual orientation.	§ 87(2)(b)

Synopsis

On July 29, 2008, § 87(2)(b) filed a complaint with the CCRB. He alleged that on July 3, 2008, following a dispute with § 87(2)(b) POs Qamar Zaman and Juliet Shields came to his home to respond to § 87(2)(b)'s complaint, later followed by POs Desmond Noel and Mark Slawik and Sgt. Maureen Keag, whom was driven by PO Elizabeth Breen. § 87(2)(b) and § 87(2)(b) his brother, alleged that PO Shields told § 87(2)(b) to "shut the fuck up" and that he was "full of shit (Allegation A). Once he was identified by § 87(2)(b) was arrested. § 87(2)(b) protested his brother's apprehension and he was arrested as well. § 87(2)(b) alleged that PO Zaman told him to "shut the fuck up" (Allegation B) and then pressed him against a wall with his forearm as a bar against § 87(2)(b)'s neck (Allegation C).

Once § 87(2)(b) and § 87(2)(b)'s mother, § 87(2)(b) arrived, she attempted to find out what had transpired, approaching her sons. § 87(2)(b) alleged that PO Shields told § 87(2)(b) to "shut the fuck up" (Allegation D). § 87(2)(b) and § 87(2)(b) spoke with § 87(2)(b) in Arabic, addressing how to deal with this incident. Once they were taken to the stationhouse, § 87(2)(b) and § 87(2)(b) were processed and searched. During his search, § 87(2)(b) alleged that PO Noel referred to § 87(2)(b)'s exercise belt as an item "for faggots" (Allegation E).

§ 87(2)(g)

Summary of Complaint

Complainant/Victim

§ 87(2)(b)

§ 87(2)(b)

On July 3, 2008, § 87(2)(b) told a 911 operator that a person delivering furniture to him was threatening to kill him at § 87(2)(b) in Brooklyn because § 87(2)(b) refused to pay with cash instead of a credit card for the merchandise (Encl. 25d). § 87(2)(b) stated that § 87(2)(b) said that he and his associates were dangerous and that § 87(2)(b) should not "fuck with him."

§ 87(2)(b) had already paid \$969 to § 87(2)(b)'s employer, § 87(2)(b) in Brooklyn. § 87(2)(b) took his shirt off, stated that he was affiliated with Hamas, that he could kill anyone without mercy, and that he could then flee to the Palestinian territories. § 87(2)(b) said he wanted his money back to which § 87(2)(b) retorted, "No, don't fuck with me." § 87(2)(b) said he did not want to take a credit card because he did not want to pay taxes, nor did he trust anyone. The credit card company refunded § 87(2)(b) for his \$969 deposit.

On July 29, 2008, § 87(2)(b) filed a complaint with the CCRB (Encl. 5a-b). He alleged that on July 3, 2008, at approximately 5:30 PM, in the vicinity of § 87(2)(b) in Brooklyn, he got into a dispute over a business transaction with § 87(2)(b) who sold § 87(2)(b) and his mother furniture. § 87(2)(b) refused to show § 87(2)(b) the merchandise before § 87(2)(b) paid, even though § 87(2)(b)'s mother had paid a deposit. § 87(2)(b) told him that § 87(2)(b) did not want to cause trouble as § 87(2)(b) was a dangerous man. § 87(2)(b) called 911 and the police came to the scene.

One female officer, identified through the investigation as PO Juliet Shields, accused § 87(2)(b) of trying to kill § 87(2)(b) claiming to have seen him on tape at various locations with family and associates with whom § 87(2)(b) had not actually interacted that day. PO Shields also demanded to see his recent calls on his phones to corroborate that § 87(2)(b) had called someone whose identity is not clear from

§ 87(2)(b)'s narration. Then, PO Shields arrested § 87(2)(b) and at the station, other unidentified officers mistreated and used profanity toward him.

§ 87(2)(b) was interviewed at the CCRB on August 11, 2008 (Encl. 6a-g). In his statement, § 87(2)(b) alleged that on July 3, 2008, at approximately 5:30 PM on § 87(2)(b) in Brooklyn, he came from work, arriving at the § 87(2)(b) in Brooklyn, his home, where he met § 87(2)(b) who had brought a truck bearing the furniture and four or five other men. While § 87(2)(b)'s brother, § 87(2)(b) was present at the home, § 87(2)(b) dealt with § 87(2)(b) according to his account. § 87(2)(b) had agreed to purchase furniture from § 87(2)(b)'s employer for his mother. They decided on credit card as the medium. § 87(2)(b) now wanted § 87(2)(b) to pay in cash at a discount, but refused to take out anything from the truck unless § 87(2)(b) paid him first.

§ 87(2)(b) wanted to see the goods first, but § 87(2)(b) would not comply. § 87(2)(b) now demanded his deposit back. § 87(2)(b) told him "go fuck yourself and call 911." § 87(2)(b) followed through with the latter of those two suggestions, and called to report the incident. § 87(2)(b) returned to his apartment, where the dispatcher apparently told him the police would come in approximately ten minutes. They did not ever arrive.

However, § 87(2)(b) called his credit card company in order to successfully get his deposit refunded for the furniture. While § 87(2)(b) was on the phone with the credit card company, he believes a dispatcher tried to contact him, but he missed the call.

At this point, § 87(2)(b) returned in his truck, telling § 87(2)(b) that he is a dangerous man and making threatening remarks. § 87(2)(b) then left. § 87(2)(b) called 911 again for protection on account of § 87(2)(b)'s threats. Four officers responded, driving in two separate RMPs from both sides of the street toward § 87(2)(b).

§ 87(2)(b) recalled the presence of three officers. The first of which, PO Juliet Shields, was a uniformed, tan Caucasian (possibly Italian) female in her late 20's to early 30's, with shoulder length black hair, and average build, standing at roughly 5'2, and was identified later through further investigation. The next one described was Sgt. Maureen Keag, a uniformed, pale, Caucasian in her late 20's to early 30's, with very closely cropped brown or black hair (possibly dyed), light build, and sergeant stripes on her shoulder, standing roughly at 6'1, later identified through further investigation. The last officer § 87(2)(b) described was PO Qamar Zaman, a uniformed, dark brown skinned man in his 30's, heavy set, with accented speech, standing roughly at 5'8, who looked and sounded "Indian or Pakistani," also identified through further investigation following § 87(2)(b)'s statement.

PO Shields asked § 87(2)(b) to tell her what happened. § 87(2)(b) explained his side of the story, but she dismissed his account, accusing him of going to § 87(2)(b)'s place of business, armed with a knife, with the intention of killing him. She claimed that this was captured on videotape, which § 87(2)(b) challenged, stating that if she could prove that he was there, he would let her arrest him. She proceeded to place him in handcuffs, telling him that he was under arrest because she saw him on tape.

§ 87(2)(b) asked the PO Shields how he could have conceivably traveled the distance from his apartment to § 87(2)(b)'s premises. First, PO Shields asserted that § 87(2)(b) must have used his cousin's car. When § 87(2)(b) asked her what his cousin's plate number is, PO Shields did not answer and moved on to another line of reasoning, now asking if § 87(2)(b) had a girlfriend, under the assumption that she, instead of his cousin, had driven § 87(2)(b). § 87(2)(b) explained that his girlfriend does not even live in the state of New York, nor was she in it that day. On top of this, § 87(2)(b) did not even drive at the time, although he had a Learner's Permit.

While § 87(2)(b) was handcuffed, PO Shields smoked a cigarette and asked him where he was from originally. PO Zaman then asked § 87(2)(b) about his religious beliefs, stating that he himself was a Muslim. PO Shields also took a photograph of § 87(2)(b) handcuffed, with her personal phone, which § 87(2)(b) identified as a Motorola V3, and showed it to her fellow officers apparently in the interest of entertainment. In addition, PO Shields told § 87(2)(b) that he was "full of shit." § 87(2)(b)

saw this treatment and his having to wait idly handcuffed in front of his residence for a half of an hour as an act of intentional humiliation by the officers.

When § 87(2)(b)'s mother, § 87(2)(b) emerged on the scene, she asked her sons, § 87(2)(b) and § 87(2)(b) what had happened. PO Shields told her to "shut the fuck up and stay there." Then, the officers arrested his brother, § 87(2)(b). The officers, though he did not specify which, searched both § 87(2)(b) and § 87(2)(b) ending empty-handed with both. § 87(2)(b) states that he never carries a knife or any other kind of weapon on him.

§ 87(2)(b) told his mother in Arabic (her primary language) to call him a lawyer. PO Shields told him not to speak in his language because he was under arrest, and that he should speak English. At this point, Sgt. Keag, who had yet to speak to § 87(2)(b) asked him what happened, which dismayed § 87(2)(b) because he had already explained himself multiple times. § 87(2)(b) notes that the officers checked his ID several times, scrutinizing it for reasons to detain him.

Sgt. Keag decided that they ought to bring § 87(2)(b) to the 68th Precinct. He was fingerprinted, photographed, and searched. After a few hours, they let him go. § 87(2)(b) asked the police to provide protection against § 87(2)(b) given how dangerous he alleged himself to be.

§ 87(2)(b)
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§ 87(2)(b)

Results of Investigation

Victim Statements

§ 87(2)(b)

§ 87(2)(b)
§ 87(2)(b)

§ 87(2)(b) was interviewed at the CCRB on August 21, 2008 (Encl. 7a-e). On July 3, 2008, at approximately 5:30 PM, § 87(2)(b) entered into a dispute with a § 87(2)(b) over the phone, while he was at his family's home at § 87(2)(b) in Brooklyn. § 87(2)(b) wanted § 87(2)(b) to pay for furniture using cash immediately, while § 87(2)(b) wanted, due to both his own means and prior agreement, to pay with his credit card. He called his brother, § 87(2)(b) for help.

§ 87(2)(b) arrived at their home and waited for § 87(2)(b) outside. When he came, they resumed where § 87(2)(b) left off. § 87(2)(b) agreed to give § 87(2)(b) the money if he could see the furniture. However, § 87(2)(b) refused, despite the fact that he himself attested to the brothers that some of it was broken a few days prior. They also argued over the medium of payment, as well.

§ 87(2)(b) then began to swear at and threaten § 87(2)(b) saying "fuck you" and claiming affiliations with the Mafia and Hamas. § 87(2)(b) said that he could deliver the money provided he could see the furniture. Apparently agreeing, § 87(2)(b) left. § 87(2)(b) then immediately called the police, providing an account of what occurred.

Two uniformed officers came first in response in an RMP. PO Juliet Shields (female, 5'8, heavy set, pale Caucasian with a yellowish tint, black, upper back-length hair tied back, identified by investigation) told § 87(2)(b) that she saw him on tape threatening the § 87(2)(b) with a knife and she had to arrest him. Additionally, she told him to "shut the fuck up." § 87(2)(b) stood in the doorway as this transpired in front of the house, saying and doing nothing as a matter of caution. PO Qamar Zaman (male, dark brown

complexion, “looked Indian,” approaching 6’0, heavy set with pronounced gut, dark brown hair, wore hat, identified by investigation) then placed handcuffs on § 87(2)(b)

PO Shields then turned § 87(2)(b) against the wall and took a picture of him using her cellular phone. After this, she proceeded to lean on her car and smoke a cigarette. § 87(2)(b) surveyed the scene, at which point, PO Desmond Noel (male, black, bald, around 5’10, average build, identified by name on summons) and PO Mark Slawik (male, Caucasian, blonde, identified by physical description) arrived in a second RMP, ten minutes after the first RMP.

PO Zaman asked § 87(2)(b) to come down from the doorway to where his brother was standing. § 87(2)(b) complied. Then PO Zaman handcuffed him, frisked him, and removed his wallet from his pocket, noting his security license in the absence of a state identification. § 87(2)(b) said that he did not have his ID, but PO Zaman told him to “shut the fuck up” and, using his forearm as a bar to press the back of § 87(2)(b)’s neck, pushed § 87(2)(b) against a wall, where § 87(2)(b) remained for ten minutes next to his brother.

Deescalating the situation, § 87(2)(b) said, “Alright, calm down.” Before, § 87(2)(b) spoke in a tone that he described as angry in mood, but not loud in volume, yet this use of force caused him to drain the hostility from his tone. PO Noel asked, “Where are the drugs? Where is the gun? Where is the knife?” § 87(2)(b) expressed confusion and said he did not have any contraband on his person.

§ 87(2)(b)’s mother came at this point. PO Shields told her to “shut the fuck up” and “stay away” when his mother asked what was happening. § 87(2)(b) instructed his mother to call their lawyer, but PO Shields said that she could not do so. PO Shields then told § 87(2)(b)’s mother and § 87(2)(b) to not speak Arabic. § 87(2)(b) also heard PO Zaman ask § 87(2)(b) about his religion and national origin in a tone that seemed normal.

Sgt. Keag (female, tan Caucasian, short, cropped blonde hair, blue eyes, thin build, gold badge, identified by investigation) then arrived on the scene, though it was unclear to § 87(2)(b) as to whether she came or left on foot. She accused § 87(2)(b) of going to the furniture store located around § 87(2)(b) to threaten § 87(2)(b). He said that he never went to the store, but she retorted by accusing him of using a friend’s black car to get there. He noted that he only has a learner’s permit in his defense. She then suggested he used his girlfriend’s car, which he denied, as well, stating that he had been at his home the whole time, waiting for § 87(2)(b).

§ 87(2)(b) insisted that they either take him or leave him there. PO Noel and PO Slawik put him in their RMP, shoving him inside and later forcefully pulling him out, while PO Shields and PO Zaman put § 87(2)(b) in their vehicle. When they got to the precinct, an older male sergeant at the precinct told § 87(2)(b) to shut up when he asked what was going to happen. The older male sergeant, (balding, grey hair) told the officers to bring the § 87(2)(b) brothers inside.

In the precinct, PO Noel searched § 87(2)(b) frisking him and checking his pockets. Pointing to § 87(2)(b)’s exercise belt, PO Noel said, “This is for faggots.” After forty-five minutes, § 87(2)(b) was released with a summons, issued by PO Noel. He went home to change and go to work at the security firm where he is employed.

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b) was interviewed at the CCRB on August 25, 2008 (Encl. 8a-d) with the assistance of an interpreter, who translated questions from English to Arabic and § 87(2)(b)’s answers from Arabic to English. On July 3, 2008, § 87(2)(b) left work around 5:30 PM. She got home and her sons were handcuffed in front of the gate with police present. She wanted to know what occurred, asking her sons for details, but PO Shields (uniformed black female that smoked a cigarette, identified by investigation) Sgt.

Keag (uniformed tall, thin female with cropped blonde hair, identified by investigation), and PO Zaman (uniformed, dark skinned, pushed back black hair, very tall, medium build, clean-shaven, identified by investigation) told her to keep her distance. PO Zaman claimed that her son had a knife. Also present, but relatively hazy in § 87(2)(b)'s memory, were PO Slawik (uniformed, tall white male) and PO 5 (uniformed, white, husky officer). § 87(2)(b) attests to only really having a substantive recollection of the two female officers and PO 3, albeit at a distance of a little more than five feet and in an admittedly bewildered state.

When she approached closer toward her sons, Sgt. Keag and PO Shields made a motion around their wrists and other gestures that signaled that if she came closer, § 87(2)(b) would be arrested. Her son, § 87(2)(b) also said in Arabic to go or that the police would take her. Sgt. Keag and PO Shields also screamed at her and her sons to not speak Arabic when § 87(2)(b) their words roughly amounting to, "No Arabic. Don't speak in Arabic." However, no one told the officers that § 87(2)(b) and § 87(2)(b) were speaking Arabic. She cannot recall the officers on scene using any profanity, though.

The officers began to remove § 87(2)(b) and § 87(2)(b) from the scene, at which point § 87(2)(b) ran into her house to call her daughter for help. She saw them drive away with § 87(2)(b) with whom the family had a business dispute, in the front seat of the police car. She then went to the precinct, where she waited for a half an hour. An officer told her that § 87(2)(b) would be released in a few hours. A lieutenant also told her that she should wait and relax, but that her son had a knife, which she disputed, asking them to prove the presence of a knife on either of her sons' persons.

She left the precinct and outside saw the police talking and laughing with § 87(2)(b)

Witness Statement

§ 87(2)(b)

§ 87(2)(b) was interviewed at the CCRB on October 28, 2008 (Encl. 9a-d). On July 3, 2008, at approximately 5:30 PM, in the vicinity of § 87(2)(b), § 87(2)(b) brought furniture in two trucks to the home of § 87(2)(b). They started to bring everything in, but then § 87(2)(b) said he lacked the money and that he would get it for § 87(2)(b) as soon as they brought in the furniture.

§ 87(2)(b) said he would take the furniture away and bring it back when the money was there. § 87(2)(b) said that they could not do that, and that everyone would have to leave, and picked up a knife. § 87(2)(b)'s father, who was not named as a witness to the allegations, said his other son, § 87(2)(b) would be there with the money. § 87(2)(b) said to § 87(2)(b) he could do no more and that if he had a problem, call 911.

§ 87(2)(b) and his friends, along with § 87(2)(b) came to the store at § 87(2)(b) to threaten § 87(2)(b) again. § 87(2)(b) brought it to his employer's attention. § 87(2)(b)'s employer told him to call 911. The first officers who responded were a uniformed black male officer who was skinny, standing at 5'9, (identified through the investigation as PO Desmond Noel) and a uniformed white male officer with glasses who looked Russian, with short hair, standing at 5'7 (identified through the investigation as PO Mark Slawik). § 87(2)(b) provided them his account and the address of § 87(2)(b). After POs Noel and Slawik got this information, they departed for the § 87(2)(b) residence.

The second pair of officers to arrive at the furniture store was a white, tall, skinny blonde female sergeant (identified through the investigation as Sgt. Maureen Keag) and a light-skinned, Italian or Irish officer with black hair and a round face (this was determined through the investigation to be PO Elizabeth Breen). Sgt. Keag and PO Breen asked § 87(2)(b) to accompany them to the § 87(2)(b) residence in order to identify § 87(2)(b). Once they arrived, he saw § 87(2)(b) from inside Sgt. Keag's RMP, sitting in the backseat looking out through the windshield. PO Noel had § 87(2)(b)'s hands against a wall while he searched him. PO Noel asked Sgt. Keag what she wanted to do with § 87(2)(b)

Once § 87(2)(b) positively identified § 87(2)(b) he was arrested. § 87(2)(b) started screaming at the officers not to touch his brother. § 87(2)(b) was also arrested. The officers, § 87(2)(b) and the § 87(2)(b) brothers all went to the 68th Precinct stationhouse. § 87(2)(b) saw their mother, § 87(2)(b) there, yelling, “Fuck the cops. Fuck you. You’re a terrorist. Everything is bullshit.” She also made a threat of death against him.

Throughout the course of the period that he was present for the incident at the § 87(2)(b) residence, § 87(2)(b) saw no instances of excessive physical force used against § 87(2)(b) or § 87(2)(b).

Identification of Officers Interviewed

PO Mark Slawik was identified using the arrest report for § 87(2)(b) yielded in BADS (Encl. 27a), while his partner, PO Desmond Noel, was identified through the arrest report for § 87(2)(b) (Encl. 27b). Through PO Slawik’s testimony, it was determined that Sgt. Maureen Keag was on the scene as the Patrol Supervisor (Encl. 13a-b). Sgt. Keag identified her operator as PO Elizabeth Breen in her testimony (Encl. 18a-b). While none of them could recall to the identities of the two other officers present, the SPRINT (Encl. 25a-c, e) in conjunction with the Roll Call for Tour 3 on July 3, 2008 (Encl. 26a-j), showed that POs Juliet Shields and Qamar Zaman were the only other remaining officers that had also responded to the scene.

PO Mark Slawik

PO Mark Slawik is a white male with short black hair and green eyes, standing at 5’11 and weighing 175 pounds.

Memo Book

For the date of July 3, 2008, PO Slawik has an entry at 5:50 PM noting a report of a person menacing another person with a knife at § 87(2)(b) in Brooklyn (Encl. 10a-c). At 6:45 PM, his Memo Book indicates that he stopped a male in front of § 87(2)(b). That male is identified as § 87(2)(b). At 7:08 PM, there is a Memo Book entry that accounts for the arrest of § 87(2)(b) and his transportation to the stationhouse. Following this entry, at 7:20 PM, PO Slawik’s Memo Book reads that he was present at the stationhouse. At 9:53 PM, PO Slawik noted the completed issuance of a Desk Appearance Ticket (Encl. 12).

Arrest Report

The arrest report for § 87(2)(b) completed by PO Slawik, states that according to § 87(2)(b) § 87(2)(b) refused to pay for furniture delivered to his home and “pulled out a kitchen knife (Encl. 27a).” The Top Charge listed is one count of § 87(2)(b), and the time and date of arrest is indicated as July 3, 2008 at 7:08 PM (Encl. 27a).

Desk Appearance Ticket

The DAT for § 87(2)(b) issued by PO Slawik, was signed by PO Slawik at 9:00 PM and § 87(2)(b) at 9:53 PM (Encl. 12). It lists the offense charged as § 87(2)(b). It summons § 87(2)(b) to appear in the Criminal Court of the City of New York on § 87(2)(b).

CCRB Testimony

PO Slawik was interviewed at the CCRB on September 22, 2008 (Encl. 13a-b).

On July 3, 2008, PO Mark Slawik worked a uniformed patrol in the 68th Precinct in Brooklyn with PO Desmond Noel from the hours of 15:00 to 23:35. This consisted of responding to 911 calls in a marked patrol car.

At around 5:50 PM, PO Slawik and PO Noel responded to a call about a dispute involving a threat with a knife at § 87(2)(b) in Brooklyn. They took a report from the complainant, § 87(2)(b) who alleged that after a dispute over money with § 87(2)(b) at § 87(2)(b)'s home at § 87(2)(b) § 87(2)(b) had followed him in a black sedan with three others to 67th Street and 4th Avenue, where § 87(2)(b) threatened § 87(2)(b) with a knife. The furniture employee stated that when he informed § 87(2)(b) that he was calling the police, § 87(2)(b) and his traveling party left.

As they were taking this complaint, PO Slawik and PO Noel received another call at § 87(2)(b) and responded there around 6:45 PM. A black sedan was parked on § 87(2)(b). After running its plates and finding the driver, a female, they stopped § 87(2)(b) in front of his home because of his alleged role in § 87(2)(b)'s story and due to the address matching the location cited by § 87(2)(b) § 87(2)(b) brought up his grievance with § 87(2)(b) while also denying involvement in any threats or any association with the black sedan, which had driven off as police engaged § 87(2)(b).

Between then and 7:08 PM, Sgt. Maureen Keag, arrived in another car driven by an officer, later determined to be PO Elizabeth Breen. § 87(2)(b) had accompanied Sgt. Keag to the scene and provided positive identification of § 87(2)(b) as the man who threatened him. Around 7:08 PM, PO Slawik arrested § 87(2)(b). At some point on the scene, § 87(2)(b)'s brother, § 87(2)(b) persisted in loud, aggressive behavior which resulted in PO Noel arresting him, as well.

PO Slawik and PO Noel brought the § 87(2)(b) brothers to the stationhouse, arriving around 7:20 PM. Though he cannot recall the details of the search, PO Slawik notes that he would have searched § 87(2)(b) while PO Noel would have searched § 87(2)(b). § 87(2)(b)'s mother came to the stationhouse after her sons arrived. PO Slawik told her that in a matter of two hours or so, her son would leave with a Desk Appearance Ticket. At 21:53, he was discharged with a DAT. Though not certain of the time, PO Slawik noted that § 87(2)(b) was discharged with a disorderly conduct summons.

PO Slawik did not recall any instances of physical force beyond handcuffing § 87(2)(b) or any instances of discourteous or offensive language, nor any officer taking pictures of § 87(2)(b). To his recollection, the only officers present at the scene were himself, PO Noel, Sgt. Keag, and the officer who drove her.

PO Desmond Noel

PO Desmond Noel is a black male with black hair, brown eyes, standing at 6'0 and weighing 200 pounds.

Memo Book

In his Memo Book, for the date of July 3, 2008, PO Noel wrote that at 5:49 PM, he received a report of a person threatening another person with a knife at § 87(2)(b) in Brooklyn (Encl. 14a-c). At 6:45 PM, he noted a stop of a male, § 87(2)(b) in front of § 87(2)(b) in Brooklyn. At 7:08 PM, he wrote that he transported one male to the stationhouse. He indicated that at 7:20 PM he was at the stationhouse. Following this entry, he made a note of his issuing a C Summons #§ 87(2)(b) to § 87(2)(b) (Encl. 14a-c).

Summons

The summons numbered § 87(2)(b) was issued by PO Noel to § 87(2)(b) on July 3, 2008 for "§ 87(2)(b)" at § 87(2)(b) in Brooklyn (Encl. 15).

CCRB Testimony

PO Noel was interviewed at the CCRB on September 23, 2008 (Encl. 16a-b).

On July 3, 2008, PO Desmond Noel worked a uniform patrol in the 68th Precinct with his partner, PO Mark Slawik from the hours of 3:00 PM to 11:35 PM, driving in a marked patrol car. At 5:49 PM, PO Noel and

PO Slawik responded to a radio call at § 87(2)(b) where § 87(2)(b) made a complaint about § 87(2)(b) threatening him with a knife at the location after they had a dispute at § 87(2)(b)'s home at § 87(2)(b). The patrol sergeant, later determined to be Sgt. Maureen Keag, appeared there after they arrived, as well. PO Noel and PO Slawik took the complaint report and then responded to a call at 6:12 PM at § 87(2)(b)'s home.

When they arrived at § 87(2)(b)'s residence, he was standing outside the building. They asked him whether he was at § 87(2)(b) the furniture store. He confirmed that he had been there, but PO Noel could not recall whether § 87(2)(b) corroborated or denied that he threatened § 87(2)(b) with a knife. § 87(2)(b) also complained about the dispute at his home that took place prior to the incident which § 87(2)(b) reported, citing the monetary grievance, but nothing else to PO Noel's recollection. Other officers might have responded, but PO Noel could not recall which officers, if any besides him, PO Slawik, and Sgt. Keag, were on the scene at the time.

Given that § 87(2)(b) lived at the location given by § 87(2)(b) and matched his description, PO Noel and PO Slawik handcuffed him. § 87(2)(b)'s brother, § 87(2)(b) emerged from the home and due to his aggressive, loud behavior, he was also detained. PO Noel and PO Slawik conducted a frisk of both brothers, failing to discover any contraband. The officers waited for the patrol sergeant to arrive on the scene. In the intervening forty minutes prior to Sgt. Keag's arrival, § 87(2)(b)'s mother appeared, discontented and confused, so the officers told her to remain at a distance from her sons.

When Sgt. Keag came, driven by another officer, identified by investigation as PO Elizabeth Breen, she brought § 87(2)(b) with her. After § 87(2)(b) positively identified § 87(2)(b) both § 87(2)(b) and § 87(2)(b) were put into separate patrol cars, though PO Noel could not recall which officer drove which brother, and brought to the stationhouse.

At the stationhouse, officers searched the brothers again, finding nothing, though PO Noel could recall which officer searched which of the two brothers. He stated, however, that it is typical for the arresting officer to search his or her arrestee. At no point during his search did he refer to § 87(2)(b)'s exercise belt as an item "for faggots." Also, though he could not recall § 87(2)(b)'s presence at the stationhouse, he believes § 87(2)(b) might have been there at some point.

PO Noel additionally attested to neither using nor hearing discourteous or offensive language. He also stated that no officers on the scene of the incident took pictures of § 87(2)(b) with a cell phone.

Sgt. Maureen Keag

Sgt. Maureen Keag is a white female with blonde hair and green eyes, standing at 6'0 and weighing 170 pounds.

Memo Book

For the date of July 3, 2008, Sgt. Keag's Memo Book reflects that at 5:50 PM, she responded to a job regarding a report of a threat made with a knife at § 87(2)(b) in Brooklyn (Encl. 17a-c). At 6:15 PM, she wrote an entry noting her presence at § 87(2)(b) regarding the knife threat. Additionally, she noted the stop of one male at § 87(2)(b) in relation to the knife incident. At 6:47 PM, she noted the transport of the complainant against § 87(2)(b) § 87(2)(b) to § 87(2)(b). She noted at 6:50 PM that § 87(2)(b) made positive identification of § 87(2)(b) resulting in an arrest and transportation of § 87(2)(b) and his brother, detained for § 87(2)(b), to the stationhouse at 7:08 PM. At 7:17 PM, she noted one male brought to the stationhouse. Following this, at 7:50, Sgt. Keag remarked that another male, likely to be § 87(2)(b) was brought to § 87(2)(b). She then noted at 7:52 PM the departure of that male from their vehicle.

CCRB Testimony

Sgt. Keag was interviewed at the CCRB on October 28, 2008 (Encl. 18a-b).

On July 3, 2008, Sgt. Keag worked from 2:50 PM to 11:45 PM as the Patrol Supervisor, supervising units on patrol in the 68th Precinct, driven by PO Elizabeth Breen. At 5:50 PM, she responded to a report of a man, later identified as § 87(2)(b) menacing an employee, § 87(2)(b) at a retail location, confirmed as Discount Bedding, at § 87(2)(b) in Brooklyn. At the time, there was already a unit at § 87(2)(b)'s home at § 87(2)(b) in Brooklyn. She and PO Breen drove to § 87(2)(b) with § 87(2)(b) in tow.

When Sgt. Keag and PO Breen arrived at § 87(2)(b) she saw officers already present with § 87(2)(b) though she could not recall which officers were there specifically. § 87(2)(b)'s mother, § 87(2)(b) and brother, § 87(2)(b) were also present, though she could not recall as to when they arrived. Upon § 87(2)(b)'s positive identification of § 87(2)(b) as the perpetrator in his complaint, § 87(2)(b) was placed under arrest, Sgt. Keag having found § 87(2)(b)'s story more credible than § 87(2)(b)'s.

She could not recall what, if anything, she said to § 87(2)(b) although she vaguely remembered speaking to him. § 87(2)(b) was upset, but did not cause any disturbance. Sgt. Keag could not recall any words exchanged between officers and members of the § 87(2)(b) family. She dropped § 87(2)(b) back at his place of business after he and the § 87(2)(b) brothers were brought to the stationhouse.

PO Elizabeth Breen

PO Elizabeth Breen is a white female with blond hair and gray eyes, standing at 5'6 and weighing 135 pounds.

Memo Book

On July 3, 2008, PO Breen noted a job regarding a threat with a knife at 5:50 PM in the vicinity of § 87(2)(b) in Brooklyn (Encl. 19a-c). At 6:15 PM, she wrote another entry regarding the threat with the knife, this time pertaining to the address where the threat was allegedly made, § 87(2)(b) in Brooklyn. At 6:47 PM, she made an entry noting the male complainant, § 87(2)(b) was in her vehicle. At some time after 7:00 PM (PO Breen only wrote "19—" as the time for the entry), she noted two people arrested. Following this entry, she wrote at 7:04 PM that she transported § 87(2)(b) to the stationhouse.

CCRB Testimony

PO Breen was interviewed at the CCRB on December 1, 2008 (Encl. 20a-b).

On July 3, 2008, PO Breen worked from 3:00 PM to 11:35 PM as the sergeant's operator, driving the patrol sergeant, Sgt. Maureen Keag, to jobs in the Precinct. She drove an RMP and was in uniform during her tour.

PO Breen recalled having picked up § 87(2)(b) from § 87(2)(b) in Brooklyn, where he alleged § 87(2)(b) and § 87(2)(b) had threatened him with a knife, at some point after PO Breen and Sgt. Keag received a call regarding the incident at 5:50 PM. PO Breen and Sgt. Keag then brought § 87(2)(b) to § 87(2)(b) where the dispute originated. The argument, as she recalled, centered on § 87(2)(b) not making a delivery of furniture because § 87(2)(b) had refused to pay, resulting in § 87(2)(b) declining to complete the delivery.

When PO Breen arrived at § 87(2)(b) the § 87(2)(b) brothers were outside with the Sector officers, but she was not sure why initially. She did not recall which officers engaged the § 87(2)(b) brothers first, nor did she recall the defendants' apprehension, nor who performed it, only that neither had been placed in her vehicle. She remained in the RMP for the duration of the incident. She estimated that ten minutes elapsed between her arrival at the scene and her departure.

PO Qamar Zaman

PO Qamar Zaman is an Asian male with black hair and brown eyes, standing at 6'1 and weighing 210 pounds.

Memo Book

PO Zaman had no entries in his Memo Book regarding this incident (Encl. 21a-b).

CCRB Testimony

PO Zaman was interviewed at the CCRB on February 25, 2009 (Encl. 22a-b).

On July 3, 2008, PO Zaman worked a uniform tour from 3:00 PM to 11:35 PM. He was assigned to Sector FI, answering radio calls with his partner, PO Juliet Shields in an RMP numbered 1643.

At approximately 5:30 PM, POs Zaman and Shields responded to a call from § 87(2)(b) the home of § 87(2)(b) and his family. At the scene, he encountered § 87(2)(b) in front of his home. PO Zaman had § 87(2)(b) who complained that § 87(2)(b) had threatened him with a knife, in his vehicle. § 87(2)(b) positively identified § 87(2)(b) as the man who threatened him, and § 87(2)(b) was subsequently arrested by another officer, the identity of whom PO Zaman could not remember. PO Zaman did not speak to § 87(2)(b) except when instructing him to get in the back of his vehicle. He did not recall the specifics of any officers' interactions with § 87(2)(b) or § 87(2)(b) including his own. He recalled the presence of another young male civilian on the scene, but could not verify whether it was § 87(2)(b) whose arrest he could not remember.

PO Zaman stated that he did not see PO Shields use her cell phone's camera to take a photograph of § 87(2)(b) at any point during the incident. He did not see any physical force used by any other officer during the incident. With respect to allegations against him, PO Zaman stated that he did not use physical force against § 87(2)(b) or speak discourteously or offensively to anyone on the scene.

PO Juliet Shields

PO Juliet Shields is a white female with black hair and black eyes, standing at 5'4 and weighing 135 pounds.

Memo Book

On July 3, 2008, at 5:50 PM, PO Shields noted a job regarding a threat with a knife at § 87(2)(b) in Brooklyn at 6:30 PM, she noted a job regarding an incident of harassment at § 87(2)(b) in Brooklyn. At 7:09 PM, she wrote that two civilians were arrested and she transported one male arrestee in her vehicle (Encl. 23a-b).

CCRB Testimony

PO Shields was interviewed at the CCRB on February 25, 2009 (Encl. 24a-b).

On July 3, 2008, PO Shields worked a uniform tour from 3:00 PM to 11:35 PM. She was assigned to Sector FI, answering radio calls with her partner, PO Qamar Zaman in an RMP numbered 1643.

At approximately 6:30 PM, She and PO Zaman responded to a call from § 87(2)(b) the home of § 87(2)(b) and his family, due to a 911 call made by residents there. She did not recall the specifics of her interaction with any of the § 87(2)(b) at § 87(2)(b). The only other officer she could precisely remember being at the scene was PO Zaman. She transported one male to the stationhouse at 7:00 PM, but did not recall anything about said male. She did not make any arrests on the scene.

PO Shields did not recall the details of PO Zaman's engagement of anyone on the scene. She did not see PO Zaman use physical force, nor use offensive or discourteous language at any point during the incident. PO Shields also stated that she did not take a picture of § 87(2)(b) with her phone's camera, discourage his mother from speaking in Arabic, or use discourteous language to anyone on the scene.

NYPD Documents

SPRINT #§ 87(2)(b)

On the SPRINT Report for the complaint made by § 87(2)(b) against § 87(2)(b) the first relevant entry reads at 6:10 PM, that at approximately 20 minutes prior to the entry, § 87(2)(b) alleged that § 87(2)(b) threatened his life (Encl. 25a-c, e). At 6:11 PM, the SPRINT indicated that officers patrolling Sector F in the 68th Precinct resumed patrol, while at 6:12 PM officers patrolling Sector A made an arrest. Sector F's officers reported that they were present at the scene at 6:14 PM, as did Sector A's officer's. The 68th Precinct's sergeant and sergeant's operator resumed patrol at 6:27 PM, but at the same time, the SPRINT indicates that sergeant and sergeant's operator were bringing § 87(2)(b) to § 87(2)(b) § 87(2)(b).

At 6:59 PM, there was a search of § 87(2)(b) by name and date of birth, with no hits for any warrants or prior offenses. The SPRINT then indicates that at 7:08 PM, two individuals were arrested by Sector A's officers, while the sergeant and sergeant's operator transported § 87(2)(b) back to the stationhouse. Sector F's officers transported one arrestee from the scene to the stationhouse, arriving at 7:14 PM. Finally, at 7:17 PM, there is an entry in the SPRINT return that shows that the sergeant and sergeant's operator took one male, though it does not specify whether it was § 87(2)(b) or one of the § 87(2)(b) brothers, out of their vehicle.

Roll Call

The 68th Precinct Roll Call for Tour 3 on July 3, 2008 reflects that the officers patrolling Sector A, or as it is listed, Sector ABC, during the time and date of the incident were POs Mark Slawik and PO Desmond Noel, driving in RMP 1284 (Encl. 26a-j). On this day, POs Juliet Shields and Qamar Zaman patrolled the Sector F, or Sector FI as described on the Roll Call, in RMP 1643. The patrol sergeant for the tour was Sgt. Maureen Keag, and her operator was PO Elizabeth Breen.

Disposition of Summonses

There was no record of any court appearances by § 87(2)(b) emanating from his summons. § 87(2)(b) § 87(2)(b)'s case related to this incident was dismissed and sealed on February 27, 2009 (Encl. 28a-d).

Complainant/Victim Criminal Conviction History

§ 87(2)(b) § 87(2)(b)'s case was dismissed and sealed on § 87(2)(b) § 87(2)(b). A search of the OCA database revealed no court appearances on the part of § 87(2)(b) § 87(2)(b) (Encl. 28a-d).

Civilian CCRB History

This is § 87(2)(b) § 87(2)(b)'s only complaint he has filed with the CCRB (Encl. 4). It is also the only complaint to which § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(b) have been a party.

Police Officer CCRB History

POs Qamar Zaman, Juliet Shields, and Noel Desmond have had no CCRB allegations against them that have resulted in discipline (Encl. 1, 2, 3).

Conclusions and Recommendations

Identification of Subject Officers

§ 87(2)(b) and § 87(2)(b) and § 87(2)(b) described subject officers roughly matching the physical description of POs Qamar Zaman and Juliet Shields. While § 87(2)(b) through her interpreter placed a “black female officer” on the scene, the documents available and all other accounts, civilian and police included, demonstrate that there were no officers fitting that description. However, the role she describes for said black female officer corresponds with the allegations leveled by § 87(2)(b) and § 87(2)(b) against PO Shields, thus either § 87(2)(b) has contrived or misremembered the physical description of PO Shields, or there was a discontinuity between what § 87(2)(b) stated and what her interpreter provided in translation, possibly, and erroneously, substituting “black female” for “black-haired female,” which did more aptly describe PO Shields.

The SPRINT Report, in conjunction with the Tour 3 Roll Call for July 3, 2008 confirms that they arrived at the § 87(2)(b) home first. In their testimony, POs Zaman and Shields placed themselves at the scene, as well. PO Desmond Noel, identified by his name on the summons issued to § 87(2)(b) as well as § 87(2)(b)'s arrest report, placed himself at the incident. PO Noel also matched the description of a subject officer whom § 87(2)(b) described as the officer that arrested him.

Undisputed Facts

On July 3, 2008, at some point before 5:30 PM, § 87(2)(b) went to § 87(2)(b)'s home, which § 87(2)(b) shared with § 87(2)(b) and their father, in order to deliver furniture. § 87(2)(b) and § 87(2)(b) entered into a dispute over the mode of payment, resulting in § 87(2)(b) calling 911, stating that § 87(2)(b) threatened his life, while § 87(2)(b) did the same, accusing § 87(2)(b) and § 87(2)(b) of following him to his store, where § 87(2)(b) threatened § 87(2)(b) with a knife.

POs Qamar Zaman and Juliet Shields responded to § 87(2)(b)'s call, arriving at § 87(2)(b) in Brooklyn. POs Mark Slawik and Desmond Noel came soon after. Around the same time, Sgt. Maureen Keag and PO Elizabeth Breen drove to § 87(2)(b) in Brooklyn to see § 87(2)(b) hear his complaint, and then bring him to § 87(2)(b) to identify § 87(2)(b). Sgt. Keag and PO Breen brought § 87(2)(b) to § 87(2)(b) where he positively identified § 87(2)(b) as the man who threatened him with a knife. PO Slawik proceeded to apprehend § 87(2)(b). PO Noel arrested his brother, § 87(2)(b) upon deeming his behavior disorderly conduct. The § 87(2)(b) brothers were transported to the stationhouse in two RMPs, while § 87(2)(b) was brought there as well in Sgt. Keag's RMP. § 87(2)(b) was then transported back to his place of business. At the stationhouse, § 87(2)(b) and § 87(2)(b) were searched, processed, and issued a Desk Appearance Ticket and summons, respectively.

Disputed Facts

§ 87(2)(b) and § 87(2)(b) alleged that PO Juliet Shields spoke discourteously to § 87(2)(b) telling him to “shut the fuck up” and that he was “full of shit.” They also alleged that PO Shields took a picture of § 87(2)(b) with her phone's camera while he was handcuffed for her amusement. § 87(2)(b) alleged that PO Qamar Zaman spoke discourteously toward him, telling him to “shut the fuck up.” He also alleged that PO Zaman used physical force against him, slamming him against a fence while he was handcuffed. § 87(2)(b) additionally alleged that PO Shields used discourteous language toward § 87(2)(b) upon her arrival, saying “shut the fuck up.” § 87(2)(b) and § 87(2)(b) and § 87(2)(b) alleged that PO Shields made offensive remarks regarding ethnicity toward them, specifically that she told them not to speak to each other in Arabic. § 87(2)(b) also alleged that Sgt. Maureen Keag did the same. § 87(2)(b) alleged that PO Desmond Noel used offensive language pertaining to his sexual orientation, telling § 87(2)(b) that his exercise belt was “for faggots.”

Assessment of Evidence

§ 87(2)(g)

§ 87(2)(g)

Allegations Not Pleaded

Although § 87(2)(b) did not like being asked where he was from by PO Juliet Shields, such a question, if it was asked, while not salient to making an arrest, does not clearly target § 87(2)(b)'s national origin. § 87(2)(g)

§ 87(2)(b) who was also arrested in the course of the incident, and alleged that force was used against him by PO Qamar Zaman, maintained that PO Zaman spoke to § 87(2)(b) about his religion and national origin in a neutral tone. § 87(2)(g)

While § 87(2)(b) may have interpreted Sgt. Maureen Keag and PO Shields' gestures toward her as a threat of arrest, they amounted to motions around the wrist and other unarticulated physical actions, not verbal ultimatums or even brandishing of the officers' handcuffs. § 87(2)(g)

§ 87(2)(g)

With respect to the claim by § 87(2)(b) and § 87(2)(b) that PO Shields photographed § 87(2)(b) with her cellular phone's camera, § 87(2)(g)

§ 87(2)(g)

Allegation A: Discourtesy – At § 87(2)(b) in Brooklyn, PO Juliet Shields spoke obscenely to

§ 87(2)(b)

§ 87(2)(g)

Allegation B: Discourtesy – At § 87(2)(b) in Brooklyn, PO Qamar Zaman spoke obscenely to § 87(2)(b)

§ 87(2)(g)

Allegation C: Force – At § 87(2)(b) in Brooklyn, PO Qamar Zaman used physical force against § 87(2)(b)

§ 87(2)(g)

Allegation D: Discourtesy – At § 87(2)(b) in Brooklyn, PO Juliet Shields spoke obscenely to § 87(2)(b)

§ 87(2)(g)

Allegation E: Offensive Language – At the 68th Precinct stationhouse, PO Desmond Noel made remarks to § 87(2)(b) based on sexual orientation.

§ 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: